

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FLORA V. LOPEZ,

Plaintiff,

v.

No. CIV 15-0822 WJ/LAM

**BOARD OF COUNTY COMMISSIONERS
for LEA COUNTY, et al.,**

Defendants.

SECOND ORDER TO SHOW CAUSE

THIS MATTER is before the Court on the Court's *Order to Show Cause* (*Doc. 13*), entered on May 19, 2016, and Plaintiff's response to the Order to Show Cause [*Doc. 16*], filed on June 2, 2016. In the Order to Show Cause, the Court stated that it will allow Plaintiff until June 2, 2016 to either serve process on Defendants Board of County Commissioners for Lea County, Lea County Sheriff's Department, and Mark C. Hargrove, or show good cause why she has not done so. [*Doc. 13* at 1]. In response to that Order, Plaintiff states that she made diligent efforts to serve these Defendants, both by certified mail and personally. [*Doc. 16* at 1-2]. Plaintiff states that she successfully served the Board of County Commissioners and the Sheriff's Department, but she was still trying to serve Defendant Hargrove, and Plaintiff states that if she is not successful in locating and serving Defendant Hargrove, she will seek discovery and information from the other Defendants regarding his location. *Id.* at 2-3.

On July 18, 2016, Defendants Board of County Commissioners for Lea County and Lea County Sheriff's Department filed their answer to the complaint. [*Doc. 17*]. No answer from

Defendant Hargrove has been entered, and Plaintiff has not taken any further action in this case as to Defendant Hargrove. Under the Local Rules of this Court, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” D.N.M. LR-Civ. 41.1. In addition, Federal Rule of Civil Procedure 4(m) provides in part that “[i]f a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” The last activity in this case related to Defendant Hargrove was on June 2, 2016.

IT IS THEREFORE ORDERED that, **within fifteen (15) days of the entry of this Order**, this case will be dismissed without prejudice **as to Defendant Hargrove** unless Plaintiff shows good cause for failing to move the case forward as to this Defendant.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE